

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FLORA KO,

Case No. 16 Civ. 7707 (DAB)

Plaintiff,

- against -

NOTICE OF MOTION

JP MORGAN CHASE BANK, N.A.,

Defendant.

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PLEASE TAKE NOTICE, that, upon the accompanying Declaration of Gershom R. Smith, dated January 12, 2017, with exhibits annexed thereto, the accompanying Memorandum of Law, dated January 13, 2017, and upon all prior pleadings and proceedings had herein, Defendant JP Morgan Chase Bank, N.A. (“JPMC” or “Defendant”), through its attorneys, Satterlee Stephens LLP, will move this Court before the Honorable Deborah A. Batts, at the United States District Court, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6): (i) dismissing the Complaint of Plaintiff Flora Ko (“Ko” or “Plaintiff”) in its entirety; and (ii) awarding the Defendants such further relief as this Court deems just and proper. In the alternative, JPMC requests that the Court convert this motion to one under Fed. R. Civ. P. 56, as contemplated by Fed. R. Civ. P. 12(d), in which case JPMC will move this Court in the same manner for an Order pursuant to Fed. R. Civ. P. 56 granting the same relief.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Local Rule 6.1 of the United States District Court for the Southern District of New York, papers in opposition to this motion must be served within fourteen days after service of this motion. Reply papers in further

support of this motion must be served within seven days of the service date of any opposition papers.

Dated: New York, New York
January 13, 2017

SATTERLEE STEPHENS LLP

By: /s/ Thomas Cahill

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